



Proxies and recent changes

A proxy must be in the form prescribed in the Strata Management Regulation. The proxy nominates a period of validity from one specific meeting and up to 2 consecutive AGM's (approx. 12 months) including any adjournment.

A vote by a proxy who is a building manager, an on-site residential property manager or a strata managing agent is invalid if it would obtain or assist in obtaining a pecuniary interest for, or confer or assist in conferring any other material benefit on, the proxy.

If you appoint a proxy to vote on your behalf and that proxy already holds the permitted number of proxies, then your proxy will not be permitted to vote on your behalf on any matters. In an attempt to overcome this issue the prescribed proxy form now includes the option of nominating an alternative proxy. This is a good option however it can be confusing for owners when completing the proxy form.

The instrument is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which the instrument is to operate (in the case of a large corporation) or at or before the first meeting in relation to which the instrument is to operate (in any other case).

The total number of proxies that may be held by a person (other than proxies held by the person as the co-owner of a lot) voting on a resolution are as follows:

- (a) if the strata scheme has 20 lots or less, one,
- (b) if the strata scheme has more than 20 lots, a number that is equal to not more than 5% of the total number of lots.

Voting on a motion or for an election at a meeting may be carried out by a secret ballot if:

- (a) the strata committee determines that the motion or matter is to be so determined, or
- (b) at least one-quarter of the persons entitled to vote on the motion or election agree that the motion or matter is to be so determined.

Strata Logic are delegated to act as secretary and to therefore take receipt of the proxy form prior or at the meeting. Only an owner/s in a large schemes with over 100 lots must submit their proxy 24 hours prior to the meeting. For smaller schemes you can just submit the proxy any time including at the meeting and before the vote on any motion.



Window cleaning – who is responsible?

Responsibility for window cleaning depends on the plans registration date. For older schemes registered prior to 1996 they probably rely on the model by-law (By-law 13 in the new Act). For schemes registered under the 1996 Act and 2015 Act there was a set of by-laws lodged with the strata plan and this generally will also refer to the model by-law. Exceptions do exist and particularly in larger and more complicated schemes or mixed use and commercial schemes.

With all schemes currently required under the new legislation to review their by-laws it's a good time to review the window cleaning position.

If the model by-law is in place (affecting most schemes) then an owner or occupier of a lot is responsible for

cleaning all interior and exterior surfaces of glass in windows and doors on the boundary of the lot, including so much as is common property except in circumstances where exterior surfaces of glass in windows and doors cannot be accessed by the owner or occupier of the lot safely or at all and in such circumstances the owners corporation must take a responsibility.

As the design of buildings has continued to evolve and with health and safety in mind it has been increasing difficult for lot owners to access and clean windows. Contemporary building designs and BASIX requirements often make it impossible to safely get to the external glass surfaces. More and more owners corporations need to budget for window cleaning as lot owners cannot safely access their windows.